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8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11

12 UNITED STATES OF AMERICA,)	CR No: 07-0328 MHP
)	
13 Plaintiff,)	STIPULATION AND
)	PROPOSED ORDER
14 vs.)	CONTINUING HEARING
)	ON SENTENCING AND
15 ERNESTO RODRIGUEZ,)	JUDGMENT
)	
16 Defendant.)	
)	

17

18 Mr. RODRIGUEZ's hearing on judgment and sentencing is presently scheduled to take
19 place before this court on December 3, 2007, at 9:00 a.m.

20 On July 20, 2007, Mr. RODRIGUEZ entered a guilty plea to Count One of the
21 Information and the matter was referred to the United States Probation Office for a Presentence
22 Report. Mr. RODRIGUEZ was permitted to remain out of custody under the supervision of the
23 United States Probation Office. At that time, his hearing on the judgment and sentencing was
24 scheduled for October 1, 2007.

25 On October 1, 2007, this court entered an order continuing the date of the hearing on the
26 judgment and sentence based on a motion by the United States Probation Office. Accordingly,
27 the hearing was continued to December 3, 2007, at 9:00 a.m.

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28 On November 13, 2007, defense counsel received a copy of the Probation Officer's

1 Presentence Report. The defendant has not waived his right to minimum notice under Rule
 2 32(e)(2). Defense counsel respectfully submits that we cannot competently meet our
 3 obligations under Rule 32 by the presently scheduled hearing date of December 3, 2007.

4 Therefore, the defendant respectfully requests that this court continue the hearing on
 5 judgment and sentencing to **Monday, January 7, 2008, at 9:00 a.m.** The Government has
 6 graciously agreed to stipulate to this date. Moreover, defense counsel has confirmed this date
 7 with the assigned Probation Officer.

8 SO STIPULATED this 20th day of November 2007.

9 SCOTT N. SCHOOLS
 10 United States Attorney

11 /s/ DEREK OWENS
 12 by DEREK OWENS
 13 Special Assistant United States Attorney

/s/ GAYLE GUTEKUNST
 GAYLE GUTEKUNST
 ROBERT M. AMPARÁN
 Attorneys for Defendant

14 ORDER

15 For the reasons set forth above, the Court exercises its discretion under Rule 32(b)(2),
 16 having found good cause for the continuance, and orders that the hearing on judgment and
 17 sentencing in this matter be continued from December 3, 2007, at 9:00 a.m. to **Monday,**
 18 **January 7, 2008, at 9:00 a.m.** before the Honorable Marilyn Hall Patel.

19 Dated:
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21 MARILYN HALL PATEL
 22 U.S. District Court Judge
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 24
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